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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

Notification

LD/2/N-79/70

The Khuda Bakhsh Oriental Public Library Act, 1969 which was recently passed by the Parliament and assented to by the President of India on 26th December, 1969 is hereby published for general information of the Public.

M. S. Borkar, Under Secretary.

Panaji, 4th February, 1970.

The Khuda Bakhsh Oriental Public Library Act, 1969

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The Khuda Bakhsh Oriental Public Library Act, 1969

AN

ACT

to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title and commencement. — (1) This Act may be called the Khuda Bakhsh Oriental Public Library Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Khuda Bakhsh Oriental Public Library as an institution of national importance. — It is hereby declared that the Khuda Bakhsh Oriental Public Library at Patna in the State of Bihar is an institution of national importance.

3. Definitions. — In this Act, unless the context otherwise requires, —

(a) "Board" means the Board established under section 4;

(b) "Chairman" means the Chairman of the Board;

(c) "deed of trust" means the deed of trust No. 217 executed in the office of the Deputy Registrar of Patna by the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur on the 14th January, 1891;

(d) "Fund" means the Fund referred to in section 19;

(e) "library" means the Khuda Bakhsh Oriental Public Library declared to be an institution of national importance under this Act;

(f) "member" means a member of the Board and includes the Chairman;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "State Government" means the Government of Bihar.

CHAPTER II

The Khuda Bakhsh Oriental Public Library Board

4. Establishment and incorporation of Board. —

(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the Khuda Bakhsh Oriental Public Library Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and contract, and may, by that name, sue and be sued.

5. Composition of Board. — (1) The Board shall consist of the following persons, namely: —

(a) the Governor of Bihar, *ex-officio*, Chairman;

(b) the Accountant General, Bihar, *ex-officio*;

(c) a person to be nominated by the Central Government, who shall be a member of the family of the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur;

(d) eight persons, four each to be nominated by the Central Government and the State Government, who shall, as far as possible, be persons having knowledge of, and experience in, matters relating to the administration of libraries;

(e) the Director, Khuda Bakhsh Oriental Public Library, *ex-officio* Member — Secretary.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. Term of office and fresh nomination in certain cases. — (1) The terms of office of nominated members shall be such as may be prescribed.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government and to the State Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated member under sub-section (2) or for any other reason may be filled by fresh nomination by the Central Government or the State Government, as the case may be, and a member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(4) An outgoing member shall be eligible for re-nomination.

(5) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place during his absence.

7. Vacancies, etc., not to invalidate acts. — No act of the Board shall be invalid merely by reason of —

(a) any vacancy in, or defect in the constitution of, the Board, or

(b) any defect in the nomination of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

8. Duty of Government nominating persons, etc. —

(1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate and who has consented to be, a member shall, whenever requested by the Central Government or the State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly, interested in a contract made or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member

shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

9. Meetings of Board.—(1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3), and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(3) If any nominated member, being an officer of Government, is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding shall have a second or casting vote.

10. Temporary association of persons with Board for particular purposes.—(1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section, be entitled to vote.

11. Authentication of orders and other instruments of Board.—All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

12. Staff of Board.—(1) Subject to the provisions of sub-section (2), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit.

(2) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. Transfer of service of existing employees to Board.—Subject to the provisions of this Act, every person employed in the library immediately before the date of establishment of the Board shall on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or

until such tenure, remuneration and terms and conditions are duly altered by the Board:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

14. Location of library.—The library shall be located at Patna.

CHAPTER III

Property, liabilities and functions of the Board

15. Property and liabilities of Board.—(1) On the establishment of the Board—

(i) all properties, funds and dues which are vested in, or realisable by, the trustees of the library constituted by the deed of trust, in their capacity as such, shall vest in, and be realisable by, the Board; and

(ii) all liabilities in relation to the library which are enforceable against the said trustees, shall be enforceable only against the Board.

(2) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the library or acquired by the Board, shall vest in the Board.

16. Duties of Board.—(1) Subject to the provisions of the deed of trust, it shall be the general duty of the Board to manage the library and to plan, promote, organise and implement programmes for the development of the library on modern scientific lines (including the microfilming of rare manuscripts) and to perform such other functions as the Central Government may, from time to time, assign to the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

(a) for providing for instruction and research in matters relating to libraries and for the advancement of learning and dissemination of knowledge in such matters; and

(b) to do all such other things as may be necessary for the discharge of its functions under this Act.

17. Powers of Board.—(1) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may from time to time purchase or otherwise acquire such manuscripts, books, articles or things as may, in the opinion of the Board, be worthy of preservation in the library.

CHAPTER IV

Finance, accounts, audit and reports

18. Grants by Central Government to Board.—For the purpose of enabling the Board to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by

Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

19. Fund of Board. — (1) The Board shall maintain a Fund to which shall be credited —

- (a) all moneys paid by the Central Government;
- (b) such sums of money as the State Government may pay annually having regard to its resolution No. V/L 4055/60E 120, dated the 26th September, 1962;
- (c) all fees and other charges levied under this Act;
- (d) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;
- (e) all other moneys received by the Board in any other manner or from any other source.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934, or any other bank approved by the Central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

2 of 1934.

20. Budget. — (1) The Board shall, by such date in each year as may be specified by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4), no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

21. Accounts and audit. — (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be specified, and in accordance with such general directions

as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board, and the library.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. Returns and reports. — (1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1) the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year.

CHAPTER V

Miscellaneous

23. Power of Central Government to issue directions to Board. — (1) In the discharge of its functions under this Act, the Board shall be bound by such directions on questions of policy as the Central Government may give to it from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

24. Delegation of powers and duties. — The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

25. Officers and employees of Board to be public servants.—All officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1880

26. Protection of action taken under the Act.—No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employee of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

27. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established, no such rules shall be made without consulting the Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms of office of, and the manner of filling casual vacancies among, the members nominated under clauses (c) and (d) of sub-section (1) of section 5;

(b) the travelling and other allowances payable to a member other than the Chairman and to a person associated with the Board under section 10;

(c) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(d) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

(e) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. Power of Board to make regulations.—(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this

Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions and restrictions subject to which manuscripts and books in the library may be used;

(b) the manner in which, and the purposes for which, persons may be associated with the Board;

(c) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(e) the recruitment and conditions of service of officers and other employees of the Board;

(f) the persons by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(h) the maintenance of registers and accounts;

(i) the compilation of catalogues and inventories of the manuscripts, books and other articles and things in the library;

(j) the steps to be taken for the preservation of the manuscripts, books and other articles and things in the library;

(k) the general management of the library;

(l) the fees and other charges to be levied for the use of manuscripts and books in the library;

(m) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

Notification

LD/2/N-82/70

The Indian Registration (Amendment) Act, 1965 which was recently passed by the Parliament and assented to by the President of India on 26th December, 1969 is hereby published for general information of public.

M. S. Borkar, Under Secretary.

Panaji, 12th February, 1970.

The Indian Registration (Amendment) Act, 1969

AN
ACT

to amend the Indian Registration Act, 1908.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Indian Registration (Amendment) Act, 1969.

2. **Amendment of sections 1 and 30.**—
In the Indian Registration Act, 1908,— 16 of 1908.

(a) in sub-section (1) of section 1, the word "Indian" shall be omitted;

(b) in sub-section (2) of section 30, for the words "The Registrar of a district including a presidency-town", the words "The Registrar of a district in which a presidency-town is included and the Registrar of the Delhi district" shall be substituted.

Notification

LD/2/N-84/70

The Appropriation (No. 5) Act, 1969 which was recently passed by the Parliament and assented to by the President of India on 27th December, 1969 is hereby published for general information of public.

M. S. Borkar, Under Secretary.

Panaji, 12th February, 1970.

The Appropriation (No. 5) Act, 1969

AN
ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1968, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Appropriation (No. 5) Act, 1969.

2. **Issue of Rs. 26,05,69,961 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1968.**—From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-six crores, five lakhs, sixty-nine thousand, nine hundred and sixty-one rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the finan-

cial year ended on the 31st day of March, 1968, in excess of the amounts granted for those services and for that year.

3. **Appropriation.**—The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1968.

THE SCHEDULE

(See Sections 2 and 3)

1 No. of vote	2 Services and purposes	3 Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce	99,592	..	99,592
4	Ministry of Defence	18,448	..	18,448
5	Defence Services— Effective—Army	18,85,15,570	..	18,85,15,570
8	Defence Services— Non-Effective ...	75,03,436	..	75,03,436
21	Stamps	14,04,444	..	14,04,444
26	Pension and Other Retirement Benefits	21,26,534	..	21,26,534
38	Ministry of Health and Family Planning	7,973	..	7,973
49	Delhi	2,38,106	2,38,106
51	Andaman and Ni- cobar Islands ...	64,50,698	..	64,50,698
52	Tribal Areas	93,75,374	..	93,75,374
60	Ministry of In- formation and Broadcasting ...	30,414	..	30,414
71	Ministry of Law ...	92,584	..	92,584
83	Roads	13,80,433	..	13,80,433
95	Posts and Tele- graphs — Work- ing Expenses ...	1,24,24,596	..	1,24,24,596
100	Department of Parliamentary Affairs	2,052	..	2,052
	CHARGED—Staff, Household and Allowances of the President	8,059	8,059
117	Commuted Value of Pensions	13,18,710	..	13,18,710
120	Loans and Advan- ces by the Cen- tral Government.	..	2,41,08,243	2,41,08,243
125	Other Capital Out- lay of the Minis- try of Home Affairs	7,19,365	..	7,19,365
128	Capital Outlay on Multi - purpose River Schemes	47,45,330	..	47,45,330
	TOTAL	23,62,15,553	2,43,54,408	26,05,69,961

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/A/7/373/70

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Bill, 1970

(Bill No. 1 of 1970)

A Bill to provide for the abolition of proprietorship of lands in the Diu district in the Union territory of Goa, Daman and Diu and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the twenty first year of the Republic of India as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act, 1970.

(2) It extends to the whole of the district of Diu in the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

(a) "agriculture" with its grammatical variations and cognate expressions, includes horticulture, the raising of crops or garden produce and dairy farming;

(b) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;

(c) "appointed date" means the date on which this Act comes into force;

(d) "Assistant Civil Administrator" means the Assistant Civil Administrator of Diu;

(e) "Civil Administrator" means the Civil Administrator of Diu;

(f) "to cultivate personally" means to cultivate any land on one's own account—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) by servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

Explanation— for the purposes of this clause—

(i) a widow or a minor or a person who is subject to any physical or mental disability or who is a member of the Armed Forces of the Union shall be deemed to cultivate

the land personally if it is cultivated by her or his servants or by hired labour;

(ii) in the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(g) "cultivation" means the use of lands for the purpose of agriculture.

(h) "cultivating tenant" means a person who cultivates personally any land belonging to another under an agreement, express or implied, and pays rent therefor in cash or in kind or delivers a share of the produce;

(i) "homestead" means a dwelling house together with any courtyard, compound, garden, outhouse, place of worship, family graveyard, storehouse, library, office, guesthouse, tanks, wells, privies, latrines, drains and boundary walls annexed to or appertaining to such dwelling house;

(j) "Government" means the Government of Goa, Daman and Diu;

(k) "land" means any land used either for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes,—

(i) benefits to arise out of such land, and

(ii) things attached to such land or permanently fixed to anything attached to such land;

(l) "landless person" means a person who does not hold any land for purpose of agriculture and earns his livelihood principally as an agricultural labourer;

(m) "proprietor" means a person who holds land granted to him or any of his predecessors-in-interest by the former Portuguese Government by way of gift, sale or otherwise and includes his co-sharers;

(n) "prescribed" means prescribed by rules made under this Act.

3. Abolition of proprietary rights.— Notwithstanding anything to the contrary contained in any usage, settlement, contract, grant, sanad, order or other instrument, or any law for the time being in force, with effect on and from the appointed date—

(i) all rights, title and interest of every proprietor in or in respect of all lands held by him as proprietor shall be deemed to have been extinguished; and

(ii) all such rights, title and interest in such lands shall stand transferred to and vest in the Central Government free from all encumbrances, and every mortgage, debt or charge on any such right, title and interest in or over such lands shall be a charge on the amount of compensation payable to such proprietor under this Act;

(iii) where under any agreement or contract made before the appointed date any rent or other dues for any period after the said date has been paid to or compounded or released by a proprietor, the same shall, notwithstanding such agreement or contract, be recoverable from the proprietor and may, without prejudice to any other mode of recovery, be realised by deduction

from the compensation payable to the proprietor under this Act.

4. Re-grant of certain lands to the proprietor as occupant.—Immediately after the vesting of the lands in the Central Government under section 3, the following lands shall be deemed to have been re-granted to the proprietor from whom they had vested in the Central Government and the proprietor shall hold them from the Central Government as an occupant and shall be liable to pay to Government the land revenue as provided in section 6, namely:—

(a) homesteads, buildings and structures together with lands appurtenant thereto in the occupation of the proprietor, but excluding those which are in the possession of a cultivating tenant;

(b) lands under the personal cultivation of the proprietor, not being pasture or grass lands.

5. Civil Administrator to take charge of lands etc., vested in Central Government.—(1) The Civil Administrator shall take charge or possession of all lands and of all rights, title and interest therein of a proprietor vested in the Central Government under section 3, and for this purpose the Civil Administrator or any officer authorised by him may take such steps or use such force as may be necessary.

(2) Nothing in this section shall be deemed to authorise the Civil Administrator to take possession of any land or of any right of the proprietor which may have been re-granted to him under section 4.

6. Liability of lands for payment of land revenue from the appointed date.—(1) All lands, the rights, title and interest in which have vested in the Central Government under section 3 shall, with effect on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with the revenue survey and settlement of land revenue:

Provided that until the revenue survey and settlement of land revenue of such lands are made, the land revenue payable in respect of such lands shall,—

(i) in any case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-twentieth of the rent or where the rent is in kind, the cash equivalent (which shall be determined as hereinafter provided) of one-twentieth of the rent payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961;

(ii) in the case of any other land, be calculated at such rate or rates as the Civil Administrator may fix having regard to the rent payable immediately before the 20th December, 1961, for such or similar land:

Provided further that the amount of land revenue payable under the preceding proviso, shall in no case exceed rupees twenty five per hectare in the case of jirait land, rupees fifty per hectare in the case of paddy land and rupees seventy five per hectare in the case of garden land.

(2) For the purposes of clause (i) of the proviso to sub-section (1), the Civil Administrator shall publish in the Official Gazette on the 1st January of

each year the price of paddy or other crop which shall be adopted for determining the cash equivalent of the rent payable.

(3) If any person makes default in the payment of land revenue, it shall be recovered—

(a) by serving a written notice of demand on such person,

(b) by distraint and sale of the movable property of such person,

(c) by sale of the immovable property of such person, or

(d) by forfeiture of the land in respect of which the land revenue is due,

in accordance with such rules as may be made in this behalf.

7. Rights of certain cultivating tenants to be restored to possession of their lands.—(1) Any cultivating tenant who has been evicted from any land on or after the 20th December, 1961, may, if the land from which he was evicted is in the possession of the proprietor on the appointed date, make an application to the Assistant Civil Administrator within six months from the appointed date for restoration of such land on the ground that he was evicted from such land without any reasonable excuse.

(2) On receipt of such application or *suo moto*, the Assistant Civil Administrator may make such enquiry as he thinks fit.

(3) If on such enquiry, the Assistant Civil Administrator is satisfied that such cultivating tenant was in possession of that land on or after the 20th December, 1961, and that he was evicted therefrom by the proprietor thereof on any ground other than the grounds specified in sub-section (4), he may order restoration of such land to the cultivating tenant, or direct the proprietor to pay such compensation to him as the Assistant Civil Administrator may deem appropriate in the circumstances of the case.

(4) The grounds referred to in sub-section (3) are the following:—

(a) the cultivating tenant had failed to pay rent to the proprietor;

(b) the cultivating tenant had failed to cultivate the land personally;

(c) the cultivating tenant had unlawfully sub-let the land;

(d) the cultivating tenant had done any act which was permanently injurious or destructive to the land.

(5) Any party aggrieved by the order of the Assistant Civil Administrator under sub-section (3) may file an appeal within thirty days from the date of that order, to the Civil Administrator.

(6) The decision of the Assistant Civil Administrator where no appeal is filed, and the decision of the Civil Administrator where an appeal is filed, shall be final and shall not be questioned in any court of law.

8. Rights of cultivating tenants to hold land as occupants.—(1) Every cultivating tenant holding

land (not being pasture or grass lands) of which he was in actual possession on the appointed date shall, as from that date, be the occupant thereof on payment of land revenue to the Government under section 6.

(2) Every agricultural labourer or an artisan, who, on the appointed day, is in occupation of any land for the purpose of his own dwelling house, shall, as from the appointed date, be the occupant thereof on payment of land revenue to the Government under section 6.

(3) Every person to whom any land is restored under section 7 shall hold such land as occupant on payment of land revenue to the Government under section 6 from the date such land is ordered to be restored to him under section 7.

9. Occupant to cultivate land personally. — (1) If at any time after the appointed date the person who has become an occupant of any land under sections 4 and 8, fails to cultivate such land personally, he shall, unless the Civil Administrator condones such failure for sufficient reasons, be ejected from the land which he has failed to cultivate personally, and the land shall be reverted to the Central Government without payment of any compensation.

(2) The provisions of sub-section (1) shall apply to the heirs and successors-in-title of the person referred to in sub-section (1).

10. Transfer of land barred. — (1) No sale (including sales in execution of a decree of a Civil Court or for recovery of arrears of land revenue), gift, exchange or lease or assignment or mortgage of any land in respect of which any person has become an occupant under section 4 or section 8, shall be made, except with the previous permission in writing of the Civil Administrator who may grant such permission in such circumstances and subject to such conditions as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for an occupant to mortgage or create a charge on any land referred to in sub-section (1) in favour of Government or a Cooperative Society or the State Bank of India or any other Schedule bank in consideration of a loan advanced to him by the Government or a Cooperative Society or the State Bank of India or the Schedule bank, as the case may be, for improvement of the land.

11. Forfeiture of land transferred in contravention of section 10. — (1) Where in respect of the transfer of any land, the Assistant Civil Administrator *suo moto*, or on the application of any person interested in such land has reason to believe that such transfer is in contravention of section 10, he shall issue notice to the transferor and the transferee to show cause why the transfer should not be declared to be in contravention of section 10, and shall hold an enquiry and decide whether the transfer is in contravention of section 10.

(2) If after holding such inquiry the Assistant Civil Administrator declares the transfer to be in contravention of section 10, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Central Government without payment of any compensation.

12. Declaration of conferment of occupancy rights.

(1) As soon as may be after the appointed date, the Assistant Civil Administrator shall publish or cause to be published in the prescribed manner a provisional declaration in the prescribed form giving the names of proprietors and the particulars of the lands which are deemed to have been regranted to them under section 4 and also the names of cultivating tenants and the particulars of lands in respect of which they are deemed to have become occupants under section 8. The declaration shall also call upon all persons interested in the lands specified in the declaration to submit to him the objections or suggestions to the said provisional declarations, within one month from the date of publication of the said declaration.

(2) The Assistant Civil Administrator shall consider the objections and suggestions received by him under sub-section (1) and, after holding such inquiry as he deems necessary, but notice of which shall be given sufficiently in advance to the persons interested, shall finalise the declaration. The declaration finalised as aforesaid shall be published in the prescribed manner.

(3) The final declaration published under sub-section (2) shall be conclusive evidence of the conferment of occupancy rights in respect of any land under section 4 or section 8.

13. Compensation to proprietors. — A proprietor whose rights, title and interest in respect of his lands vest in the Central Government under section 3, shall be entitled to payment of compensation in respect of the lands which have been vested in the Central Government and have not been regranted to him under section 4, at the rate of twenty times the annual payment (*Contribuição Predial*) which the proprietor was liable to make to the former Portuguese Government in respect thereof immediately before the 20th December, 1961.

14. Method of payment of compensation. — (1) Any person entitled to compensation under section 13 shall, on or before such date as the Government may specify in this behalf from time to time by notification in the Official Gazette, make an application to the Civil Administrator in the prescribed form for payment of such compensation.

(2) On receipt of an application under sub-section (1), the Civil Administrator shall, after making such inquiry as he thinks fit, determine the amount of compensation payable to such person:

Provided that where there are more persons than one entitled to such compensation, the Civil Administrator shall apportion the compensation among them:

Provided further that in cases of dispute regarding apportionment of compensation among the persons entitled to compensation, the Civil Administrator shall direct them to have their respective shares adjudicated upon by a competent civil court and the payment of compensation shall be in accordance with such adjudication.

15. Payment of compensation. — The compensation determined under section 14 shall, after deducting therefrom the amounts, if any, referred to in clause (iii) of section 3, be paid in cash to the person or persons to whom it is payable, but if any such

person refuses to accept payment, the amount payable to him shall be deposited by the Civil Administrator in a competent civil court.

16. Proprietors to deliver records to authorised officers.— (1) Whenever any officer authorised by the Civil Administrator in this behalf so directs, a proprietor shall deliver to him or such other officer as may be specified in the direction, the records relating to the lands or village or villages held by him as proprietor.

(2) If a proprietor fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to twenty five rupees for every day during which such failure continues after conviction for the first such failure.

17. Duties and functions of the Assistant Civil Administrator.— For the purpose of this Act, the following shall be the duties and functions to be performed by the Assistant Civil Administrator:

- (a) to decide whether a person is a proprietor;
- (b) to decide whether a person is an agricultural labourer;
- (c) to decide whether a person is a cultivating tenant;
- (d) to decide whether a person is a landless person;
- (e) to decide the amount of rent recoverable from the proprietor under section 3;
- (f) to decide the homesteads, buildings and structures together with land appurtenant thereto and the lands under personal cultivation which are deemed to be regranted to the proprietor under section 4;
- (g) to determine the land in respect of which occupancy rights are conferred under section 8 and the person on whom they are conferred;
- (h) to take measures for restoration of land to the cultivating tenant under section 7 and to recover compensation from the proprietor payable by him under sub-section (3) of that section; and
- (i) to decide such other matters as may be referred to him by or under the Act.

18. Commencement of proceedings.— Except as expressly provided by or under this Act, all inquiries and other proceedings before the Assistant Civil Administrator shall be commenced by an application which shall contain the following particulars, namely:—

- (a) the name, age, profession and place of residence of the applicant and the opponent;
- (b) a short description of the matter about which dispute has taken place or the amount of claim, as the case may be;
- (c) the circumstances out of which the cause of action arose;
- (d) a list of documents, if any, and his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing; and

(e) such other particulars as may be prescribed.

19. Procedure.— (1) In all inquiries and proceedings under this Act, the Assistant Civil Administrator shall exercise the same powers as the Mamlatdar under the Mamlatdar's Court Act, 1966 (hereinafter referred to as the «said Act») and shall (except as provided in sub-section (3) of section 7 and section 11) follow the provisions of the said Act.

(2) In regard to any matter which is not provided in the said Act, the Assistant Civil Administrator shall follow the procedure as may be prescribed.

(3) Every decision of the Assistant Civil Administrator shall be recorded in the form of an order and shall state the reasons for such decision.

(4) An appeal against any order of the Assistant Civil Administrator shall be filed within thirty days from the date of that order to the Civil Administrator.

(5) The decision of the Assistant Civil Administrator, when no appeal is filed, and the decision of the Civil Administrator when appeal is filed shall, subject to revision to be made to the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965, within a period of ninety days from the date of the decision of the Civil Administrator, be final.

20. Revision.— When no appeal has been filed within the period provided for it, the Civil Administrator may *suo-moto* or on a reference made by Government at any time, call for the record of any inquiry or proceeding of the Assistant Civil Administrator for the purpose of satisfying himself as to the legality or propriety and as to the regularity of the inquiry or proceeding of such Assistant Civil Administrator and pass such order thereon as he deems fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Assistant Civil Administrator shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

21. Court Fees.— Notwithstanding anything contained in the Court Fees Act, 1870, every application or appeal made under this Act shall bear court-fee stamp of fifty paise if made to the Assistant Civil Administrator and of two rupees if made to the Civil Administrator.

22. Bar of jurisdiction.— (1) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Assistant Civil Administrator or the Civil Administrator in appeal.

(2) No order of the Assistant Civil Administrator or the Civil Administrator made under this Act shall be questioned in any Civil or Criminal Court.

23. Protection of action taken under this Act.— (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or

likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

24. Power to remove difficulty.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order make such provisions (not inconsistent with this Act) as appear to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date.

Provided that no order under this section shall be made after the expiration of three years from the appointed date.

25. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislature of the Union territory while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modifications in the rule or the Legislature agrees that the rule should not be made and notifies such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or permitted to be done under that Rule.

Statement of Objects and Reasons

In Diu area of this territory a very large area of land is held by a few proprietors who had purchased it from the former Portuguese Government. Most of this area has been leased by them to the tenants for cultivation. These tenants have no security of tenure or fixity of rent. It is considered expedient that as in the case of the Daman area of this territory, the proprietorship rights held in land should be abolished and lands which are under the personal cultivation of these proprietors or on which they have built their houses, should be re-granted to them on occupancy basis. Similarly lands which are cultivated by tenants should be re-granted to them on occupancy basis. The Bill seeks to bring about this land reform.

Clause 3 of the Bill seeks to provide that all lands which are held by the proprietors in Diu shall vest in Government on the date on which the Act comes into force. After such vesting the lands which are in the personal cultivation of the proprietors as also their homesteads, buildings and structures, with the lands appurtenant thereto which are in the occupation of such proprietors will be deemed to have been re-granted to the proprietors as occupants and they will be liable to pay land revenue to the Govern-

ment in respect of these lands. Clause 8 seeks to provide that the tenants who are cultivating the lands will be granted, as occupants, the lands which are in their possession as tenants on the appointed date. The uncultivated lands or grass lands will vest in the Government so that the Government will be in a position to grant such uncultivated lands to landless persons, etc.

The land revenue to be paid for the land will be equal to one-twentieth of the rent which was payable for such land immediately before the 20th December, 1961. In order to protect the tenants from losing their lands to money lenders, clause 10 provides that the lands which are granted as occupants cannot be transferred by sale, lease, etc. except with the permission in writing of the Civil Administrator. Clause 13 provides for payment to the proprietor of compensation for the lands which have vested in Government and which have not been re-granted to him as occupant. The compensation will be twenty times the predial payable in respect of such lands.

Memorandum of Delegated Legislation

Sub-clause (1) of clause 10 of the Bill provides for prescribing the circumstances and the conditions subject to which a transfer of land in respect of which any person who has become an occupant under section 4 or 8, shall be permitted by the Civil Administrator. Sub-clause (1) of clause 12 provides for prescribing the form of provisional declaration and the manner in which it will be published by the Assistant Civil Administrator. Sub-clause (2) of the same clause provides for prescribing the manner in which the final declaration shall be published. Sub-clause (1) of clause 14 provides for the form in which an application for payment of compensation shall be made to the Civil Administrator. Sub-clause (1) of clause 19 provides for prescribing the procedure which the Assistant Civil Administrator shall follow in regard to any matter arising in the inquiries and proceedings under the Act, which are not provided for in the Act. Clause 25 empowers Government to frame rules to carry out the purposes of the Act.

The delegation made under the Act is of a routine nature and limited to procedural matters.

Financial memorandum

It is estimated that there are about 2500 acres of land held by some 96 proprietors. Out of these 2500 acres, only 100 acres are under the personal cultivation of these proprietors, while 900 acres are leased to tenants for cultivation. The remaining 1500 acres is uncultivated but is in the possession of the land-owners. The total amount of predial which is being paid in respect of these lands is about Rs. 4,200/- per year. It is estimated that the predial payable in respect of the lands which will vest in Government, will be about Rs. 2,000/-. Consequently the total amount of compensation which will be required to be paid by Government would be about Rs. 40,000/-. The implementation of the legislation would be done

through the existing revenue machinery and no additional expenditure is expected to be incurred on account of the staff in implementing this legislation.

Panaji,
21st January, 1970.

D. B. BANDODKAR
Chief Minister

Assembly Hall

O. P. GARG

Panaji,
24th February, 1970.

Secretary to the Legislative
Assembly of Goa, Daman and Diu.

Administrator's recommendation under section 23 of the Goa, Daman and Diu Union Territories Act, 1963.

In exercise of the powers conferred upon him by sub-section (3) of section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Bill, 1970.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/IGA(E.682-I)/70

As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Central Government vide Ministry of Shipping and Transport's letter No. 7-PE(36)/69 dated the 13th January, 1970, have accorded approval to the amendment to the Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966 published in the Government Gazette Nos. 33 and 34, Series I, dated the 13th and 20th November, 1969 respectively.

The amendment will be effective from the date of publication of this notification.

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 23rd January, 1970.

Corrigendum

In the notification of the Mormugao Port Trust no. MPT/IGA/(E.1230)/69, published in the Govt. Gazette No. 41, Series I, dated 8-1-1970 and repeated in the Govt. Gazette No. 42, Series I, dated 15-1-1970, the following corrections are made:—

1) In Regulation 5(b) the word "conditions" should be read as "condition".

2) In Regulation 9(a) (i) the word "approval" should be read as "approved".

3) In Regulation 11(e) (ii) the words "Regulation 1(a) (iii)" should be read as "Regulation 7(a) (iii)".

4) In Clause 9(c) the word "service" should be read as "services".

5) In clause 2, under the heading "Declarations" the word "etc." appearing between the words "of Houses" and "Regulations" should be inserted between the words "Building" and "of Houses".

6) In item VI of Form No. 1 the word "Brisck" should be read as "Brick".

7) In Form No. 3, clause (iii) the word "said" should be inserted between the words "to the" and "mortgaged".

8) In Form No. 3, clause (iv) the word "in" appearing between the words "incurred" and "such" should be read as "on".

9) In Form No. 3A the oblique signs "/" appearing between the words "Regulation 7" and "(a)" and again between the words "her" and "wife" should be deleted.

10) In Form No. 3A the words "The Mortgagor" appearing between the words "as" and "which" should be read as "The Mortgagors".

11) In Form No. 3A the word "MORTGAGED" appearing between the words "the" and "for" should be read as "MORTGAGEE".

12) In Form No. 3A, clause (i) (b) the word "to" should be inserted between the words "repay" and "the MORTGAGEE".

13) In Form No. 3A, clause (iii) the word "MORTAGORS" should be read as "MORTGAGORS".

14) In Form No. 3A, clause (iv) the word "IT" should be inserted between the words "AND" and "IS" and the word "the" should be inserted between the words "that" and "MORTGAGEE".

15) In Form No. 5, clause 2, an oblique sign "/" should be inserted between the words "house" and "enlarging".